

SCHEDULE 1

INDUSTRIAL TRIBUNAL RULES OF PROCEDURE

Acceptance of response procedure

What the tribunal does after receiving the response

5.—(1) On receiving the response the Secretary shall consider whether the response should be accepted in accordance with rule 6. If the response is not accepted it shall be returned to the respondent and (subject to paragraphs (4) and (5) of rule 6) the claim shall be dealt with as if no response to the claim had been presented.

(2) If the Secretary accepts the response he shall send a copy of it to all other parties and record in writing the date on which he does so.

When the response will not be accepted by the Secretary

6.—(1) The Secretary shall not accept the response if it is clear to him that any of the following circumstances apply –

- (a) the response does not include all the required information (defined in rule 4(4)); or
- (b) the response has not been presented within the relevant time limit.

(2) If the Secretary decides not to accept a response for either of the reasons in paragraph (1), he shall refer the response together with a statement of his reasons for not accepting the response to a chairman. The chairman shall decide in accordance with the criteria in paragraph (1) whether the response should be accepted.

(3) If the chairman decides that the response should be accepted he shall inform the Secretary in writing and the Secretary shall accept the response and then deal with it in accordance with rule 5(2).

(4) If the chairman decides that the response should not be accepted he shall record his decision together with the reasons for it in writing in a document signed by him. The Secretary shall inform both the claimant and the respondent of that decision and the reasons for it. The Secretary shall also inform the respondent of the consequences for the respondent of that decision and how it may be reviewed or appealed.

(5) Any decision by a chairman not to accept a response may be reviewed in accordance with rules 34 to 36. If the result of such a review is that the response should have been accepted, then the Secretary shall accept the response and proceed to deal with the response as described in rule 5(2).

Counterclaims

7.—(1) When a respondent wishes to present a claim against the claimant (“a counterclaim”) in accordance with Article 4 of the Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994⁽¹⁾ he must present the details of his counterclaim to the Office of the Tribunals in writing. Those details must include –

- (a) the respondent’s name;
- (b) the respondent’s address;
- (c) the name of each claimant whom the counterclaim is made against;
- (d) each claimant’s address;
- (e) details of the counterclaim.

(1) [S.R. 1994 No. 308](#)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) A chairman may in relation to particular proceedings by order made under rule 10(1) establish the procedure which shall be followed by the respondent making the counterclaim and any claimant responding to the counterclaim.

(3) The President may by a practice direction made under regulation 9 make provision for the procedure which is to apply to counterclaims generally.